THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 28-11-2005

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WRIT PETITION Nos.23400 and 23401 of 2005

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WP.No.23400 of 2005

Between:

K.Prasuna . . .Petitioner

And

The Member Secretary, Gurukulam, Hyderabad,

and others . . .Respondents

WP.No.23401 of 2005

Between:

Smt. M.Sudha Rani . . .Petitioner

And

The Member Secretary, Gurukulam, Hyderabad,

and others . . .Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION Nos.23400 and 23401 of 2005

COMMON ORDER:

The petitioners were employed as Physical Director and Post Graduate Teacher in Physical Science respectively and working at the Andhra Pradesh

Tribal Welfare Residential School at Balapanur of Panyam Mandal, Kurnool District. They have been surrendered to the Head Office through orders, dated 24-10-2005. They challenge the same by stating that the proceedings are vindictive in nature. In their affidavits, they have alleged that the Principal and one of the individuals employed by him, by name Mr.Ranadev, have indulged in obscene activities with the girl students in the School and when the petitioners complained the matter to the higher officials, the said two persons have fabricated certain allegations against the petitioners to get them transferred.

The respondents filed counter affidavits denying the allegations. It is alleged that complaints have been received from the students that the petitioners have addressed them in the name of their caste and subjected to harassment.

Heard the learned counsel for the petitioners and learned Standing Counsel for the respondents.

The allegations contained in the affidavits filed in support of the petitions as well as the counter-affidavits filed by the respondents, disclose a very sad state of affairs prevailing in the residential school. With a noble object of imparting qualitative education to the tribal students, the Government had established residential schools by incurring huge expenditure. The schools were supposed to run in an ideal pattern without giving any scope for any complaint. If what is stated by the petitioners is true at least in part, it denotes the serious erosion into ethical and moral values on the part of those who head the institution. Further, the petitioners were transferred on the allegation that they have not discharged their functions on the expected lines.

Transfer is always an incidence of service and having regard to the fact that general and large scale transfers are taking place in the Andhra Pradesh Tribal Welfare Residential Schools, the petitioners cannot be said to have been victimized. On the other hand, they will be relieved of the unnecessary insinuations against them. However, the respondents cannot leave the matter; and must undertake further investigation into the allegations made by the petitioners against the Principal as well as the person, who is said to have been, appointed by him. The petitioners are yet to be issued any order of posting. Having shifted the petitioners from the existing place, the respondents

cannot post the petitioners to a far off and inconvenient place.

For the foregoing reasons, the writ petitions are disposed of directing that the respondents shall undertake counselling for the purpose of issuing posting orders to the petitioners and cause enquiry into the allegations made by the petitioners in their affidavits and reply affidavits. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

30th NOVEMBER, 2005.

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